

07-1901

CPA/1711 \$

**CONTINUED PROSECUTION APPLICATION (CPA)**

**Request Transmittal**

(Only for Continuation or Divisional Applications Under 37 CFR § 1.53(d))

Attorney Docket No.

3620-021

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

This is a request for a ☒ continuation ☐ divisional application under 37 CFR § 1.53(d) (Continued Prosecution Application (CPA)), of prior application No. 09/228,954 filed on January 12, 1999, and entitled A SURFACE COVERING BACKING CONTAINING POLYMERIC MICROSPHERES AND PROCESSES OF MAKING THE SAME.

Name of Applicant(s): Alonzo M. Burns, Jr., Charles Patterson, Hao A. Chen, Nicholas Zerebecki.

- (X) The issue fee in the prior application has not been paid.  
(X) The prior application is abandoned under 37 CFR § 1.53(d)(2) as of the filing date of this continued prosecution application.  
(X) Please use the file jacket and all the contents of the prior application, including the specification, drawings, and entered amendments, to constitute the new application.

**Foreign Priority - 35 USC § 119**

- ☐ Foreign priority under 35 U.S.C. § 119 has been claimed in prior application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_, in (country) \_\_\_\_\_.  
☐ The certified copy has been filed in prior application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_.  
☐ A separate paper claiming direct priority to a foreign application is enclosed herewith. A certified copy of the foreign application will be provided in due course.

**Other Amendments**

- (X) Before calculating the filing fee, amend the prior application as follows:  
☐ Cancel the following claims: \_\_\_\_\_  
☐ Enter the enclosed preliminary amendment.  
(X) Enter the unentered amendment(s) previously filed on May 18, 2001 under 37 CFR § 1.116 in the prior nonprovisional application. A copy of the amendment is enclosed.

**Inventorship Statement**

- ☐ Delete the following named inventors in the prior application as inventors in this application in accordance with 37 CFR § 1.53(d)(4) as a result of a change in the claimed subject matter: \_\_\_\_\_

**Assignment**

- ☐ The prior application is assigned to \_\_\_\_\_ / \_\_\_\_\_

**Enclosures**

- ☐ Specification; \_\_\_\_\_ Total Pages. ☐ Drawing(s); \_\_\_\_\_ Total Sheets.

**(X) Oath or Declaration:**

- ☐ A newly executed combined oath or declaration and power of attorney (37 CFR § 1.63(d)(4)).  
☐ A copy from a prior application for continuation/divisional (37 CFR § 1.63(d)(1)).  
☐ Incorporation by reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.  
(X) Power of Attorney was changed during prosecution of prior application to KILYK & BOWERSOX, P.L.L.C.  
☐ Correspondence address was changed during prosecution of prior application to that shown below.  
☐ Priority Documents (if foreign priority is claimed).  
☐ Associate Power of Attorney.  
☐ Verified statement(s) to establish status as a small entity:  
☐ Is enclosed. ☐ Small entity status is no longer claimed.  
☐ A statement was filed in the prior application, and small entity status is still proper and desired.  
(X) Return Receipt Postcard. ☐ Preliminary Amendment(s). (X) Unentered Amendment.  
(X) A check in the amount of 764.00 for the Filing Fee.  
☐ Other: \_\_\_\_\_

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**Filing Fee Calculation**

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	23	3	\$18.00	\$ 54.00
Independent Claims	3	0	\$80.00	\$ 0.00
Multiple Dependent Claim Fee (if applicable)				\$ 0.00
Assignment Recording Fee (if applicable)				\$ 710.00
Basic Filing Fee				
Total Filing Fee				\$764.00

Please charge \$ \_\_\_\_\_ to Deposit Account No. \_\_\_\_\_ pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: \_\_\_\_\_

Luke A. Kilyk  
Attorney of Record  
Reg. No. 33,251

Date: July 18, 2001

Correspondence Address:

Luke A. Kilyk  
KILYK & BOWERSOX, P.L.L.C.  
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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

By: \_\_\_\_\_

Typed Name: Sandra Stocklinski

Express Mail Label No.: EL856453984US

Date of Deposit: July 18, 2001